

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED
AUG 03 2015
CHRIS R. JOHNSON, CLERK
DEPUTY CLERK

WILLIAM EDWARD WOODS

CIVIL ACTION

VERSUS

NUMBER 15-680

GLEN SMITH and AMERICAN
HOMEPATIENT, INC.

JUDGE _____
MAGISTRATE _____

COMPLAINT

Come now Plaintiffs and for their original Complaint at Law against the Defendant(s),
state:

I. PARTIES, JURISDICTION AND VENUE

1. The action herein is a civil action to recover for personal injuries sustained by WILLIAM EDWARD WOODS (hereinafter Plaintiff) as a result of actionable conduct on the part of the defendant(s).
2. Plaintiffs are now and at all relevant times hereto residents of the State of Louisiana.
3. Named Defendant, GLEN SMITH, (hereinafter Smith) who is now and at all relevant times hereto a resident of and domiciliary of the State of Arkansas who may be served at 7806 Holy Ridge, Benton, Arkansas, 72015;
4. Named Defendant, AMERICAN HOMEPATIENT, INC., is a foreign company whose principal place of business is in Brentwood, Williamson County, Tennessee.
5. This action concerns injuries occurring in Garland County, Arkansas, on or about October 18, 2013.
6. Therefore, complete diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.00 including interest and costs. Plaintiffs seek recovery in

excess of the minimum amount required for purposes of federal diversity jurisdiction, and venue properly lies herein by virtue of 28 USC § 1332.

7. Further, venue is proper as Defendant GLEN SMITH resides in this district, and the incident occurred in this district.

II. BACKGROUND FACTS AND ALLEGATIONS

8. Plaintiffs' claims are brought pursuant to the general principles of tort.

9. On or about October 18, 2013, petitioner, WILLIAM EDWARD WOODS, owned and operated a 2002 Honda Goldwing motorcycle, traveling on Central Avenue, in Hot Springs, Arkansas, when he stopped for pedestrians at the intersection of Central Avenue and Canyon Lane.

10. Thereupon defendant, GLEN SMITH, operating a 2008 Dodge SP3, owned by AMERICAN HOMEPAIENT, INC., and traveling behind Plaintiff, failed to stop, causing his vehicle to strike the rear of the "Woods" motorcycle.

11. The defendant, GLEN SMITH, was negligent in that he failed to keep a proper lookout for other vehicles; following too close; failing to yield to preceding traffic; failing to allow adequate space and time in traffic to allow him to stop; and was negligent for other reasons to be shown at a hearing thereof.

12. Plaintiff, WILLIAM EDWARD WOODS, was not negligent in the accident.

13. Said accident, resulted in injuries and damages to your petitioner, WILLIAM EDWARD WOODS, was a direct and proximate result of the negligence and/or fault of defendants, GLEN SMITH and AMERICAN HOMEPAIENT, INC.

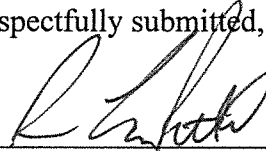
14. Petitioner, WILLIAM EDWARD WOODS, was caused to suffer severe and permanently disabling injuries as a result of said accident. Accordingly, petitioner itemizes his damages as follows:

- A. Medical expenses, past, present and future in an amount reasonable in the premises;
- B. Lost wages, past, present and future in an amount reasonable in the premises;
- C. Impairment of earning capacity, past, present and future, in an amount reasonable in the premises;
- D. Property damages; and
- E. General damages, including pain, suffering, disability, mental anguish and loss of enjoyment of life; past, present, and future; in an amount reasonable in the premises.

18. That Plaintiff respectfully demands trial by jury.

WHEREFORE, premises considered, Plaintiff prays for judgment over and against Defendants, jointly and severally, in an amount in excess of that required for purposes of federal diversity jurisdiction.

Respectfully submitted,



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